



City of Albuquerque

Legislative File Number R-06-44 (version 2)

CITY OF ALBUQUERQUE SEVENTEENTH COUNCIL

Amending Bill No. R-05-263 (Enactment No. R-2005-052) that Relates to Continuing the Moratorium on New Development Within a Specified Plan Area (Referred to as Volcano Heights) on the Northwest Mesa (Cadigan)

CITY OF ALBUQUERQUE SEVENTEENTH COUNCIL

AMENDING BILL NO. R-05-263 (ENACTMENT NO. R-2005-052) THAT RELATES TO CONTINUING THE MORATORIUM ON NEW DEVELOPMENT WITHIN A SPECIFIED PLAN AREA (REFERRED TO AS VOLCANO HEIGHTS) ON THE NORTHWEST MESA.

WHEREAS, it is necessary to amend Bill No. R-05-263 (Enactment No. R-2005-052), adopted by the City Council on April 4, 2005 regarding the nature of the moratorium in the Volcano Heights Area, extending the moratorium but providing for development consistent with interim development standards; and

WHEREAS, the City Council has accepted the Volcano Heights Planning Study; and

WHEREAS, the City has adopted policies in its Rank 1 Comprehensive Plan relating to development in Centers and Corridors; and

WHEREAS, the City has retained a multi-disciplinary team led by White & Smith, LLC to develop new mixed use zones and to adjust impact fees based upon development efficiencies for the utilization of public infrastructure (e.g., streets, hydrology, water, wastewater); and

WHEREAS, the City also has retained a multi-disciplinary team led by White

& Smith, LLC to develop a growth management program for the Volcano Heights study area; and

WHEREAS, the City has actively engaged in planning for the Volcano Heights planning area since October 4, 2004, and is proceeding diligently to complete these efforts, which draft plan will be submitted to the City shortly.

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE THAT:

Section 1. Section 4 of Bill No. R-05-263 is deleted in its entirety. In its place the following is adopted and the subsequent sections of Bill No. R-05-263 shall be renumbered accordingly:

“Section 4. Upon the effective date of this Resolution to August 7, 2006 or when the Volcano Heights Plan and development regulations have been adopted by the City, whichever is sooner, the City shall not approve any building permit, site development plan, zone map amendment, subdivision, special exception, preliminary or final plat, public improvement district or special assessment resolution for any property entirely or partially within the Plan Area designated on Exhibit A attached hereto. This moratorium shall not include SAD 227, La Cuentista, Phase/Units of The Trails, and the Vista Vieja Subdivision in the Plan Area. Each of these areas is identified in Exhibit A. No substantive modification of the development approvals and agreements for these projects shall be made during the moratorium period except as provided herein.

Section 5. There shall to be two joint hearings of the Environmental Planning Commission (EPC) and the City Council to review the Volcano Heights Plan that shall occur on June 5, and June 15, 2006. These hearings shall satisfy the EPC review requirements of the Plan.

Section 6. The moratorium identified in this Resolution shall not affect public sector projects.

Section 7. The City finds that policies contained in the West Side Strategic Plan, Northwest Mesa Escarpment Plan, EC-35 (1998), and the Volcano Heights Planning Study Report (received by the Council on April 4, 2005) with

regard to such elements as xeriscape landscaping, other water conservation techniques, permanent common open space, cluster housing, and so on are important features. The subdivisions identified in Section 4 in some stage of development approval that have been exempted from the moratorium shall be reviewed with regard to these features to determine whether it is possible to bring the design standards more closely in line with the adopted and recommended policies. Should the City and the consultant team find this to be the case, these efforts shall be pursued.

Section 8. The City Council may grant an exemption from the moratorium identified in this Resolution if:

A. The proposed development is consistent with the principles of development that are identified in the Volcano Heights Planning Study Report (received by the Council on April 4, 2005); and

B. The City Council finds that the application of this moratorium would deprive the applicant of the reasonable use of its property as defined under New Mexico or federal law; and

C. The proposed development is consistent with any interim standards for development in the Volcano Heights planning area that are adopted after the effective date of this Resolution.”

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